



April 4, 2006

VIA FAX – (601) 352-7757
and REGULAR MAIL
Mr. Rusty Fortenberry
McGlinchey Stafford PLLC
City Centre, Suite 1100
200 South Lamar Street
Jackson, MS 39201

Re: *Olivia Y. et al. v. Barbour et al.*

Dear Mr. Fortenberry:

I write to request additional documents Plaintiffs have identified as responsive to Plaintiffs' First Request for Production of Documents, Document Request no. 35, and Fifth Request for Production of Documents, Document Request no. 9:

- The licensing file, including any and all reports of abuse or neglect and any and all corresponding investigations, concerning the New Hope Group Home in Holly Springs, Mississippi.
- The abuse or neglect report(s) and corresponding investigation(s) regarding each of the children cited in the Foster Care Review Program Quarterly Regional Comparison Reports from the first three quarters of calendar year 2005 as having been abused or neglected while in DHS custody (*see* DHS 047115, DHS 063563, DHS 070991, attached). Please also produce any maltreatment documentation regarding any children similarly cited in any more recent Foster Care Review Program Quarterly Regional Comparison Reports yet to be produced.

I look forward to your prompt attention to this matter.

Sincerely yours,

Eric Thompson
Plaintiffs' counsel

Encls.

cc: Stephen Leech, Esq.
Wayne Drinkwater & Melody McAnally, Bradley Arant
John Lang, Loeb & Loeb

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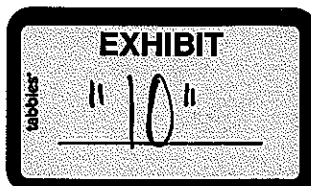
Howard M. Maisel

Alice Rosenwald

Melissa G. Salten

Hershel B. Sarbin

Carol Wilson Spigner



Safety 1: During the current review period, has the child(ren) in placement experienced any abuse or neglect?

Region		1st QTR	2nd QTR	3rd QTR	4th QTR	TOTAL
1-East	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	1	1	0	1
	Percentage "Yes"	n/a	6.7%	6.7%	0.0%	0.0%
	Total "No"	n/a	14	14	15	29
	Percentage "No"	n/a	93.3%	93.3%	100.0%	96.7%
1-West	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	0	0
	Percentage "Yes"	n/a	0.0%	0.0%	0.0%	0.0%
	Total "No"	n/a	15	15	15	30
	Percentage "No"	n/a	100.0%	100.0%	100.0%	100.0%
2	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	1	0
	Percentage "Yes"	n/a	0.0%	0.0%	6.7%	0.0%
	Total "No"	n/a	15	15	14	29
	Percentage "No"	n/a	100.0%	100.0%	93.3%	96.7%
3	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	1	1
	Percentage "Yes"	n/a	0.0%	0.0%	6.7%	3.3%
	Total "No"	n/a	15	15	14	29
	Percentage "No"	n/a	100.0%	100.0%	93.3%	96.7%
4	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	0	0
	Percentage "Yes"	n/a	0.0%	0.0%	0.0%	0.0%
	Total "No"	n/a	15	15	15	30
	Percentage "No"	n/a	100.0%	100.0%	100.0%	100.0%
5	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	1	1
	Percentage "Yes"	n/a	0.0%	0.0%	6.7%	3.3%
	Total "No"	n/a	15	15	14	29
	Percentage "No"	n/a	100.0%	100.0%	93.3%	96.7%
6-North	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	1	0
	Percentage "Yes"	n/a	0.0%	0.0%	6.7%	0.0%
	Total "No"	n/a	15	15	14	29
	Percentage "No"	n/a	100.0%	100.0%	93.3%	96.7%
6-South	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	1	1	0	1
	Percentage "Yes"	n/a	6.7%	6.7%	0.0%	3.3%
	Total "No"	n/a	14	14	15	29
	Percentage "No"	n/a	93.3%	93.3%	100.0%	96.7%
7	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	1	1	0	1
	Percentage "Yes"	n/a	6.7%	6.7%	0.0%	0.0%
	Total "No"	n/a	14	14	15	29
	Percentage "No"	n/a	93.3%	93.3%	100.0%	96.7%
TOTAL	Total Applicable	n/a	135	135	135	270
	Total "Yes"	n/a	3	3	4	7
	Percentage "Yes"	n/a	2.2%	2.2%	3.0%	2.6%
	Total "No"	n/a	132	132	131	263
	Percentage "No"	n/a	97.8%	97.8%	97.0%	97.4%

Safety 1: During the current review period, has the child(ren) in placement experienced any abuse or neglect?

Region		1st QTR	2nd QTR	3rd QTR	4th QTR	TOTAL
1-East	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	1	0	0	1
	Percentage "Yes"	n/a	6.7%	0.0%	0.0%	2.3%
	Total "No"	n/a	14	15	14	43
	Percentage "No"	n/a	93.3%	100.0%	100.0%	97.7%
1-West	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	0	1	1
	Percentage "Yes"	n/a	0.0%	0.0%	7.1%	2.3%
	Total "No"	n/a	15	15	13	43
	Percentage "No"	n/a	100.0%	100.0%	92.9%	97.7%
2	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	1	0	1
	Percentage "Yes"	n/a	0.0%	6.7%	0.0%	2.3%
	Total "No"	n/a	15	14	14	43
	Percentage "No"	n/a	100.0%	93.3%	100.0%	97.7%
3	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	1	2	3
	Percentage "Yes"	n/a	0.0%	6.7%	14.3%	6.8%
	Total "No"	n/a	15	14	12	41
	Percentage "No"	n/a	100.0%	93.3%	85.7%	93.2%
4	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	0	0	0
	Percentage "Yes"	n/a	0.0%	0.0%	0.0%	0.0%
	Total "No"	n/a	15	15	14	44
	Percentage "No"	n/a	100.0%	100.0%	100.0%	100.0%
5	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	1	0	1
	Percentage "Yes"	n/a	0.0%	6.7%	0.0%	2.3%
	Total "No"	n/a	15	14	14	43
	Percentage "No"	n/a	100.0%	93.3%	100.0%	97.7%
6-North	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	1	0	1
	Percentage "Yes"	n/a	0.0%	6.7%	0.0%	2.3%
	Total "No"	n/a	15	14	14	43
	Percentage "No"	n/a	100.0%	93.3%	100.0%	97.7%
6-South	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	1	0	1	2
	Percentage "Yes"	n/a	6.7%	0.0%	7.1%	4.5%
	Total "No"	n/a	14	15	13	42
	Percentage "No"	n/a	93.3%	100.0%	92.9%	95.5%
7	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	1	0	0	1
	Percentage "Yes"	n/a	6.7%	0.0%	0.0%	2.3%
	Total "No"	n/a	14	15	14	43
	Percentage "No"	n/a	93.3%	100.0%	100.0%	97.7%
TOTAL	Total Applicable	n/a	135	135	126	396
	Total "Yes"	n/a	3	1	1	5
	Percentage "Yes"	n/a	2.2%	0.0%	0.8%	1.3%
	Total "No"	n/a	132	134	125	391
	Percentage "No"	n/a	97.8%	97.0%	99.2%	98.7%

DHS
063563

SAFETY

The data collected from the random sample of 81 children in the first quarter of state fiscal year (SFY) 2006 shows that allegations of abuse and/or neglect occurred in only 12% of the cases or for 10 children. Of those 10 children involved, for only 3 were the allegations substantiated, and in all three cases appropriate actions were taken to remedy the problem.

For the sample breakdown into the regional data, please refer to Tables 1, 2, and 3 (Item 1A, 1B, 1C) in Appendix A.

Item # 1: Children are first and foremost protected from abuse and neglect while in state's custody.

- A. During the current review period [one year prior to the date of the case review] have there been any allegations of abuse or neglect of the child in focus?*

Of 81 children reviewed, there had not been allegation of abuse or neglect for 71 or 88%; for 12% or 10 children there had been allegations of abuse or neglect.

- B. If "Yes" to A, were the allegations evidenced?*

Of the 10 children for whom abuse or neglect was alleged, for only 3 were the allegations substantiated.

- C. If "Yes" to B, was action taken to assure the child's safety and reduce risk of harm?*

Of the 3 children for whom allegations of abuse or neglect were substantiated, all, or 100%, were assured of safety by the actions of the agency.

Item # 1 Rating:

As with the Federal Review Instrument, the current Foster Care Review Instrument rates each item by *strength* or *area needing improvement*. [Some items later may have a rating of *not applicable*.]

Table 4 in Appendix A provides the Item Rating (regional and statewide) for Item # 1. State totals for SFY 2006 indicate that all 81 children in the random sample were applicable to this item; 100% were strengths.



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Carol Wilson Spigner

April 12, 2006

VIA FAX – (601) 352-7757
and REGULAR MAIL
Rusty Fortenberry, Esq.
Kenya Rachal, Esq.
McGlinchey Stafford PLLC
City Centre, Suite 1100
200 South Lamar St.
Jackson, MS 39201

Re: *Olivia Y. et al. v. Barbour et al.*

Dear Mr. Fortenberry and Ms. Rachal:

I do not have any response from you to my letters of March 28, 2006, and April 4, 2006, attached, concerning several outstanding discovery matters.

In light of the discovery cut-off date of Monday, April 17, 2006, please confirm by Friday, April 14, 2006, whether Defendants agree to produce the requested information.

As you may also recall Defendants have refused to produce the personnel files of DFCS staff directly involved in the Named Plaintiffs' cases and the personnel file documents of DFCS staff who have been subject to disciplinary actions. Please endorse the enclosed Certificate of Good Faith so that Plaintiffs may seek to compel these documents and any of the above-referenced documents Defendants do not agree to produce.

I look forward to your prompt response.

Very truly yours,

Eric Thompson
Plaintiffs' counsel

cc: Wayne Drinkwater & Melody McAnally, Bradley Arant
Stephen Leech, Esq.
John Lang, Chris Carbonne, John Piskora, Loeb & Loeb

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

GOOD FAITH CERTIFICATE

All counsel certify that they have conferred in good faith to resolve the issues in question and that it is necessary to file the following motion:

PLAINTIFFS' MOTION TO COMPEL RESPONSIVE DOCUMENTS

Counsel further certify that:


___ 1. The motion is unopposed by all parties.

___ 2. The motion is unopposed by:

X 3. The motion is opposed by: Defendants

___ 4. The parties agree that replies and rebuttals to the motion shall be submitted to the magistrate judge in accordance with the time limitations stated in Uniform Local Rule 7.2

THIS, the ___ day of April, 2006.



ERIC THOMPSON (MSB # 43993 *pro hac vice*)
One of the Attorneys for Plaintiffs

RUSTY FORTENBERRY (MSB # 5435)
One of the Attorneys for Defendants



March 28, 2006

**VIA FAX – (601) 352-7757
and REGULAR MAIL**
Rusty Fortenberry, Esq.
McGlinchey Stafford PLLC
City Centre, Suite 1100
200 South Lamar St.
Jackson, MS 39201

Re: *Olivia Y. et al. v. Barbour et al.*

Dear Mr. Fortenberry:

I write regarding several pending document-discovery issues.

First, upon review of the supplemental documents produced by Defendants in 2006, it is clear that many periodically generated documents previously produced but requiring supplementation with updated versions were omitted. These include the following:

- Any “MDHS-DFCS Workload Information” (e.g., DHS 020088) and other charts showing number of “workers needed” generated after October 6, 2004;
- Any “Direct Services Primary Clients by Region” (e.g., DHS 047498-047499) issued since May 2005;
- Any “Issues Observed During Foster Care Review” monthly case-status reports (e.g., DHS 047670) issued after June 9, 2005;
- Any “Foster Care Review Program – Quarterly Regional Comparison Report” (e.g., DHS 046995-047082) covering all periods since the third quarter of FY 2005;
- Any “Mississippi Site Visit Summary” (e.g., DHS 088995) created since March 2005;
- Any “Significant Weekly Activities Reports” (e.g., DHS 061840) issued after August 12, 2005;
- Any “Number of Children in Placements by Placement Type” (e.g., DHS 088133) issued after November 15, 2005;
- Any “MS CFSR Data Profile” (e.g., DHS 091826) generated after December 8, 2005;
- Any “Weekly Shelter Care Report” (e.g., DHS 092875-092876) issued since December 16, 2005;
- Any “Stability of Foster Care Placements/Emergency Shelter Care” (e.g., DHS 044681-044735) covering months since May 2005, or dated after June 10, 2005;
- Any “Therapeutic Foster Care Placement Log/Pending Placements” (e.g., DHS 091892-091917) created since January 2006;

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- Any "Listing of Licensed Foster Homes" (e.g., DHS 019272-019440) created after January 12, 2005;
- Any "Number of Placements for Children in Active Custody" (e.g., DHS 086435) covering time periods since October 31, 2005, or dated after November 15, 2005;
- Any "Custody Contact Report" (e.g., DHS 086211) dated after November 10, 2005;
- Any "Policy Bulletin" (e.g., DHS 047331) dated after December 15, 2004;
- Any "MDHS Investigations Open More Than 30 Days" (e.g., DHS 088507) issued after November 15, 2005;
- Any "Child Investigation Timeliness Reports – Statewide Summary" (e.g., DHS 024336-024342) generated after October 10, 2005;
- Any "Investigations with Narrative Errors – Detail" (e.g., DHS 024486-024667) covering time periods since December 2004, or dated after January 10, 2005;
- Any "Periodic Administrative Determinations on Children in State Custody – for individual children" (e.g., DHS 010277-010348) issued since December 2004;
- Any "Tally of All Positions" charts (e.g., DHS 019947) issued after October 21, 2004;
- Any "Social Services Employee Report" (e.g., DHS 19973-19992) issued after July 12, 2004;
- Any "Charts of Filled/Vacant DFCS Positions" (e.g., DHS 019920-019921) created after December 22, 2004;
- Any charts of workload by population (e.g., DHS 020077-020086) created after March 5, 2004;
- Any "DFCS Resignations/Terminations" charts (e.g., DHS 020048-020057) generated after October 12, 2004;
- Any "DFCS Personnel Actions" charts (e.g., DHS 020058-020059) covering time periods after October 2004, or dated after October 27, 2004;
- Any "DFCS 6 Month Workload Average" charts (e.g., DHS 020066-020075) covering time periods since October 2004, or dated after December 7, 2004;
- Any "Performance Measurement Data" (e.g., DHS 024326-024329) covering time periods since December 2004, or dated after January 15, 2005;
- Any "Number of Children Entering State Custody and their Permanency Plan – Summary" (e.g., DHS 021378-021654) covering time periods since December 2004;
- Any "Listing of Children with Eligibility IV-E – Summary" (e.g., DHS 019004) dated after October 15, 2004;
- Any "MACWIS Work Plan" (e.g., DHS 053615-053619) created after July 14, 2005;
- Any "Community-Based Child Abuse Prevention Annual Performance Report" (e.g., DHS 019469-019521) covering FY 2005 and FY 2006, or dated after December 31, 2004;
- Any "ASFA Compliance Report – Children Who Have Been in Custody for 15 or More of the Past 22 Months" (e.g., DHS 007528-07619) covering time periods since January 2005, or dated since January 15, 2005;
- Any "AFCARS Foster Care Data Compliance Detailed Report" (e.g., DHS 001466-001563) covering time periods since September 2004, or dated after November 12, 2004;

- Any "MDHS Child Abuse & Neglect Intake Reports – Summary" (e.g., DHS 006409-006518) covering time periods since December 2004, or dated after January 15, 2005;
- Any "Listing of Children Freed for Adoption" (e.g., DHS 042969-042976) issued after June 4, 2005;
- Any "Summary of Maltreated Children while in Custody in a Placement" (e.g., DHS 038631) issued since April 15, 2005; and
- Any reports of the MDHS Child Fatality Review Team, as testified to by Ms. Triplett in her June 14, 2005 deposition.

The documents enumerated above come within the scope of Requests Nos. 2-3, 5-9, 17, 21-23, and 35 of Plaintiffs' First Request for Production of Documents. In most cases, they have not been supplemented since their original production more than a year ago. We look forward to full supplementation and the production of these outstanding responsive documents by no later than April 7, 2006, so that we can avoid having to seek the assistance of the Court.

Second, Defendants' quarterly supplementation due on April 14, 2006, should include the the most recent iteration(s) of the following documents:

- MS PIP, ACF Response to Quarterly Report (e.g., DHS 091690-091691), dated in or about March 2006;
- Any MS PIP versions revised after March 2005; and
- Investigation reports concerning allegations in 2006 of child abuse, neglect, or other maltreatment (including but not limited to corporal punishment) of children in DHS custody or living in homes or facilities (including but not limited to facilities not licensed by DHS) where children in DHS custody reside.

Third, the following documents produced in January 2006 concerning investigations into allegations of maltreatment in care and related licensing files were either missing pages or illegible, as follows:

- DHS 109654-109656 are pages 5-7 of an 8-page investigation report dated 2/2/2004 into the foster home of J.H. The remaining pages of this investigation were not produced.
- The Sunnybrook Children's Home licensing file is missing DHS 112070-179.
- DHS 108913 is a MACWIS screen printout that does not scroll down to reveal all children's names (only the first two can be seen) or the complete narrative.
- DHS 106072-106073 are MACWIS printouts on which all but the central text window is too dark, rendering the relevant dates illegible.
- DHS 105905-105919 have an inch-high band of black across each page that makes it impossible to read the text.

Please provide the missing or needed replacement copies as soon as possible.

Fourth, Defendants' Privilege Log, served on January 18, 2006, contains several entries that either do not warrant protection or fail to provide sufficient information to allow either Plaintiffs or the Court to determine whether a privilege applies. The following documents were

improperly withheld in light of this Court's August 4, 2004 Confidentiality Order and December 17, 2004 Case Management Order, which require production of personal information under the Court's protective Order, and should be produced: DHS 062913-062927, DHS 063034, DHS 063042, and DHS 089318. Additionally, a work product privilege is asserted as to the following documents without any description or explanation: DHS 061877, DHS 061886, DHS 061895-061901, DHS 070930, DHS Jamison J. 001155, and DHS John A. 000849-000850. Please either produce unredacted copies of these documents or provide a more detailed privilege log.

I look forward to your prompt response.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Eric Thompson / jw".

Eric Thompson
Plaintiffs' counsel

cc: Wayne Drinkwater & Melody McAnally, Bradley Arant
Stephen Leech, Esq.
John Lang, Loeb & Loeb



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and REGULAR MAIL
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Re: *Olivia Y. et al. v. Barbour et al.*

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- The licensing file, including any and all reports of abuse or neglect and any and all corresponding investigations, concerning the New Hope Group Home in Holly Springs, Mississippi.
- The abuse or neglect report(s) and corresponding investigation(s) regarding each of the children cited in the Foster Care Review Program Quarterly Regional Comparison Reports from the first three quarters of calendar year 2005 as having been abused or neglected while in DHS custody (*see* DHS 047115, DHS 063563, DHS 070991, attached). Please also produce any maltreatment documentation regarding any children similarly cited in any more recent Foster Care Review Program Quarterly Regional Comparison Reports yet to be produced.

I look forward to your prompt attention to this matter.

Sincerely yours,

Eric Thompson
Eric Thompson
Plaintiffs' counsel

Encls.

cc: Stephen Leech, Esq.
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	Total "Yes"	n/a	0	0	0	0
	Percentage "Yes"	n/a	0.0%	0.0%	0.0%	0.0%
	Total "No"	n/a	15	15	15	30
	Percentage "No"	n/a	100.0%	100.0%	100.0%	100.0%
2	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	1	0
	Percentage "Yes"	n/a	0.0%	0.0%	6.7%	0.0%
	Total "No"	n/a	15	15	14	29
	Percentage "No"	n/a	100.0%	100.0%	93.3%	96.7%
3	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	1	1
	Percentage "Yes"	n/a	0.0%	0.0%	6.7%	3.3%
	Total "No"	n/a	15	15	14	29
	Percentage "No"	n/a	100.0%	100.0%	93.3%	96.7%
4	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	0	0
	Percentage "Yes"	n/a	0.0%	0.0%	0.0%	0.0%
	Total "No"	n/a	15	15	15	30
	Percentage "No"	n/a	100.0%	100.0%	100.0%	100.0%
5	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	1	1
	Percentage "Yes"	n/a	0.0%	0.0%	6.7%	3.3%
	Total "No"	n/a	15	15	14	29
	Percentage "No"	n/a	100.0%	100.0%	93.3%	96.7%
6-North	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	0	0	1	0
	Percentage "Yes"	n/a	0.0%	0.0%	6.7%	0.0%
	Total "No"	n/a	15	15	14	29
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6-South	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	1	1	0	1
	Percentage "Yes"	n/a	6.7%	6.7%	0.0%	3.3%
	Total "No"	n/a	14	14	15	29
	Percentage "No"	n/a	93.3%	93.3%	100.0%	96.7%
7	Total Applicable	n/a	15	15	15	30
	Total "Yes"	n/a	1	1	0	1
	Percentage "Yes"	n/a	6.7%	6.7%	0.0%	0.0%
	Total "No"	n/a	14	14	15	29
	Percentage "No"	n/a	93.3%	93.3%	100.0%	96.7%
TOTAL	Total Applicable	n/a	135	135	135	270
	Total "Yes"	n/a	3	3	1	7
	Percentage "Yes"	n/a	2.2%	2.2%	0.7%	2.6%
	Total "No"	n/a	132	132	131	263
	Percentage "No"	n/a	97.8%	97.8%	99.3%	97.4%

Safety I: During the current review period, has the child(ren) in placement experienced any abuse or neglect?

Region		1st QTR	2nd QTR	3rd QTR	4th QTR	TOTAL
1-East	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	1	0	0	1
	Percentage "Yes"	n/a	6.7%	0.0%	0.0%	2.3%
	Total "No"	n/a	14	15	14	43
	Percentage "No"	n/a	93.3%	100.0%	100.0%	97.7%
2	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	1	0	1
	Percentage "Yes"	n/a	0.0%	6.7%	0.0%	2.3%
	Total "No"	n/a	15	14	14	43
	Percentage "No"	n/a	100.0%	93.3%	100.0%	97.7%
3	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	1	0	1
	Percentage "Yes"	n/a	0.0%	6.7%	0.0%	2.3%
	Total "No"	n/a	15	14	14	43
	Percentage "No"	n/a	100.0%	93.3%	100.0%	97.7%
4	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	0	0	0
	Percentage "Yes"	n/a	0.0%	0.0%	0.0%	0.0%
	Total "No"	n/a	15	15	14	44
	Percentage "No"	n/a	100.0%	100.0%	100.0%	100.0%
5	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	1	0	1
	Percentage "Yes"	n/a	0.0%	6.7%	0.0%	2.3%
	Total "No"	n/a	15	14	14	43
	Percentage "No"	n/a	100.0%	93.3%	100.0%	97.7%
6-North	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	0	1	0	1
	Percentage "Yes"	n/a	0.0%	6.7%	0.0%	2.3%
	Total "No"	n/a	15	14	14	43
	Percentage "No"	n/a	100.0%	93.3%	100.0%	97.7%
6-South	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	1	0	1	2
	Percentage "Yes"	n/a	6.7%	0.0%	7.1%	4.5%
	Total "No"	n/a	14	15	13	42
	Percentage "No"	n/a	93.3%	100.0%	92.9%	95.5%
7	Total Applicable	n/a	15	15	14	44
	Total "Yes"	n/a	1	0	0	1
	Percentage "Yes"	n/a	6.7%	0.0%	0.0%	2.3%
	Total "No"	n/a	14	15	14	43
	Percentage "No"	n/a	93.3%	100.0%	100.0%	97.7%
TOTAL	Total Applicable	n/a	135	135	126	396
	Total "Yes"	n/a	3	2	1	6
	Percentage "Yes"	n/a	2.2%	1.5%	0.8%	1.5%
	Total "No"	n/a	132	133	125	390
	Percentage "No"	n/a	97.8%	98.5%	99.2%	98.5%

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SAFETY

The data collected from the random sample of 81 children in the first quarter of state fiscal year (SFY) 2006 shows that allegations of abuse and/or neglect occurred in only 12% of the cases or for 10 children. Of those 10 children involved, for only 3 were the allegations substantiated, and in all three cases appropriate actions were taken to remedy the problem.

For the sample breakdown into the regional data, please refer to Tables 1, 2, and 3 (Item 1A, 1B, 1C) in Appendix A.

Item # 1: Children are first and foremost protected from abuse and neglect while in state's custody.

A. During the current review period [one year prior to the date of the case review], have there been any allegations of abuse or neglect of the child in focus?

Of 81 children reviewed, there had not been allegation of abuse or neglect for 71 or 88%; for 12% or 10 children there had been allegations of abuse or neglect.

B. If "Yes" to A, were the allegations evidenced?

Of the 10 children for whom abuse or neglect was alleged, for only 3 were the allegations substantiated.

C. If "Yes" to B, was action taken to assure the child's safety and reduce risk of harm?

Of the 3 children for whom allegations of abuse or neglect were substantiated, all, or 100%, were assured of safety by the actions of the agency.

Item # 1 Rating:

As with the Federal Review Instrument, the current Foster Care Review Instrument rates each item by *strength* or *area needing improvement*. [Some items later may have a rating of *not applicable*.]

Table 4 in Appendix A provides the Item Rating (regional and statewide) for Item # 1. State totals for SFY 2006 indicate that all 81 children in the random sample were applicable to this item; 100% were strengths.